

CR0372
OPER: DEC
PAGE: 1

ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2003 000464.00

RUN DATE: 04/09/2003

JUDGE: TMH

IN THE CIRCUIT COURT OF MONTGOMERY

STATE OF ALABAMA

VS

SMITH DELAND
1116 HUTCHINSON STREET

CASE: CC 2003 000464.00

MONTGOMERY, AL 36104 0000

DOB: 02/17/1984

SEX: M RACE: B HT: 6 03 WT: 190 HR:

EYES:

SSN: 421216501 ALIAS NAMES:

CHARGE01: MURDER CAPITAL
CHARGE02: CONSPIRACY -MURDER
CHARGE03: CONSPIRACY -MURDER
CHARGE04: ROBBERY 1ST
CHARGE05: ROBBERY 1ST
CHARGE06: ATTEMPT - MURDER
CHARGE07: CONSPIRACY -ROBBERY
CHARGE08: CONSPIRACY -ROBBERY
OFFENSE DATE: 09/03/2001

CODE01: CMUR LIT: MURDER CAPITAL
CODE02: MURDC
CODE03: MURDC
CODE04: ROB1
CODE05: ROB1
CODE06: MURDA
CODE07: ROB1C
CODE08: ROB1C
AGENCY/OFFICER: 0030100

TYP: F #: 001
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DATE WAR/CAP ISS:
DATE INDICTED: 06/05/2002
DATE RELEASED:
BOND AMOUNT: \$.00

DATE ARRESTED: 04/08/2003
DATE FILED: 04/09/2003
DATE HEARING:
SURETIES:

DATE 1: DESC:
DATE 2: 04/17/2003 DESC: ARRG

TIME: 0000
TIME: 0130 P

TRACKING NOS: GJ 2002 060619 00

DEF/ATY: *Joggans (A), Reed (B)* TYPE: *Appointed*

TYPE:

PROSECUTOR: *Ellen Brooks*

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OTH CSE: GJ200206061900 CHK/TICKET NO: 2001F-1387
COURT REPORTER: SID NO: 0000000000
DEF STATUS: JAIL DEMAND:

GRAND JURY: 619

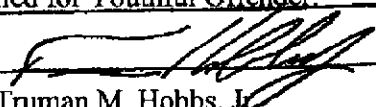
OPER: DEC

DATE ACTIONS, JUDGEMENTS, AND NOTES

4-9-03	<i>DEF IN JAIL 4/8/03</i>
	<i>NEED 72 HR HEARING PURSUANT TO</i>
4-9-03	<i>The Court appoints Thomas Joggans as 1st chair and Joe Reed as 2nd chair to represent Defendant after having been found indigent</i>
4-14-03	<i>Motion For Approval Of Expenses</i>
4-14-03	<i>Order granting mo for Approval of Expenses</i>

PENGAD 800-631-6989

EXHIBIT

State of Alabama Unified Judicial System		CASE ACTION SUMMARY		Case Number
Form C-7 Rev 2/79		CONTINUATION		CC-03-464 TMH
Style: <u>Delano Smith</u>		Page Number <u>2</u> of <u> </u> Pages		
DATE	ACTIONS, JUDGMENTS, CASE NOTES			
4-14-03	<p>This matter was before the Court for Arraignment of Capital Murder. Present in Court at the date and time scheduled was Defendant and his attorney, Joe Reed, and the State was represented by Daryl Bailey and Michael Kidd.</p> <p>Mr. Bailey read the Indictment to Defendant and he entered a plea of Not Guilty to all 8 counts of the Indictment. Mr. Kidd request a Mental Evaluation to be performed on Defendant and the Court Orders a Mental Evaluation.</p> <p>Defendant is to be applied for Youthful Offender.</p> <p style="text-align: center;">  Truman M. Hobbs, Jr. Circuit Judge </p>			
4-21-03	Mo Relating To Criminal Records of Jurors Obtained Through Use of Prosecution Computer Powers			
4-21-03	Mo To Permit Discovery of Records + Files Pertaining to Case			
4-21-03	Def't's Objection To Mental Examination			
4-21-03	Mo To Facilitate Control of Publicity			
5-22-03	motion To Set for Trial			
4-24-03	motion To Dismiss			
4-25-03	motion For Notice of Intent to Rely Upon Other Acts Evidence			
5-22-03	State's Motion For Discovery			
5-30-03	Order On Motions			
7/25/03	motion in limine Regarding improper Prosecution arguments			
✓				

ACR0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2003 000464.00
JUDGE ID: TMH

STATE OF ALABAMA

VS

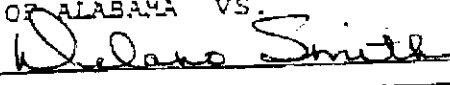
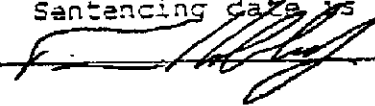
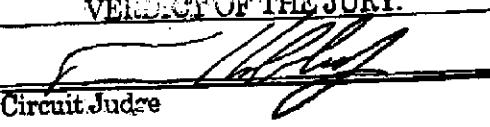
SMITH DELANO

DATE

ACTION, JUDGMENTS, CASE NOTES

7/25/03	Motion to preclude any statements or instructions that Jury findings on Punishment are advisory and not binding on Court
7/25/03	Motion in limine Regarding Self-Representations of Prosecutors
7-31-03	Objection to Television Pictures Or Photographs in Or of the Courtroom During the Progress of Judicial Proceedings
7-31-03	Motion For Attorney Conducted Voir Dire
8-1-03	Motion to Extend Discovery Date
8-1-03	Motion for individual Voir Dire
8-1-03	Objection to Death Penalty
8/13/03	State's Response to Def's objection to Death penalty
8-19-03	Motion in limine Regarding Self-Representations of Prosecutors Granted
8-19-03	Motion to Extend Discovery Date Granted
8-19-03	Motion in limine Regarding Improper Prosecution Arguments Denied
8-19-03	Motion For individual Voir Dire Granted
8-19-03	Motion To Nolle Prosequi
8-19-03	Order signed 8-19-03 Granting Motion To Nolle Prosequi
8/28/03	Motion of intent to offer 404(B) Evidence.

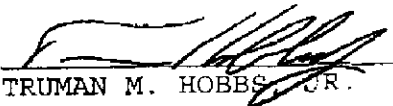
9/05/03	Notice of change of address
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Unified Judicial System		CASE ACTION SUMMARY		CC-03-464
Form C-7 Rev 2/79		CONTINUATION		TMH
Style: STATE OF ALABAMA VS.		Page Number of Pages		
		<div style="text-align: center;">  </div>		
DATE	ACTIONS, JUDGMENTS, CASE NOTES			
5/23/03	Y.O.A - GRANTED/DENIED <i>(see Order)</i>			
8/19/03	to withdraw Y.O.A application granted			
1/1	State's Motion/Nolle Prose Count(s) 2, 5, 6, 7, 8 <u>Granted</u>			
1/1	State's Motion To Dismiss Count(s) _____ Granted			
1/1	State's Motion To Amend Count _____ to _____ Granted			
9/11/03	<p>The Defendant is before the Court and is represented. The Court on record fully explained all Constitutional rights. The Court is convinced that Defendant comes into court voluntarily and understands all his rights. Exhibit A is signed by Defendant and counsel and the record affirmatively shows colloquy between the Judge and Defendant and that Defendant fully and completely understands he is waiving his Constitutional rights and other effects of a guilty plea and the consequences thereof and the sentence that could be imposed. Upon the conclusion of said colloquy the Court accepts the guilty plea and finds Defendant guilty and enters a judgment of guilt to the charge of <u>Ct 1 - Cap Murder,</u> <u>Ct 3 - At Murder, + Ct 4 Robbery</u></p> <p>Notice of HOA/Drug/Weapon Enhancements given _____</p> <p>P.S.I. ORDERED / WAIVED</p> <p>Sentencing date is <u>9-22/03</u> at <u>8:30 a.m.</u></p> <p> TRUMAN M. HOBBS, JR. CIRCUIT JUDGE</p> <p style="text-align: right;"><i>Judge Shelton, OCR</i></p>			
9-22-03	Trial; Judge Shelton, OCR.			
9-22-03	<p>JUDGEMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE VERDICT OF THE JURY.</p> <p> Circuit Judge</p>			


State of Alabama Unified Judicial System Form C-7 Rev 2/79	<h2 style="margin: 0;">CASE ACTION SUMMARY</h2> <h3 style="margin: 0;">CONTINUATION</h3>	Case Number <div style="border: 1px solid black; padding: 2px; display: inline-block;">CC-03-464 TMH</div>
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Style: Delano Smith

Page Number _____ of _____ Pages

DATE	ACTIONS, JUDGMENTS, CASE NOTES
	<u>Count I</u>
9-22-03	Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.
Rec'd 9-29-03	HOA Enhancements Applicable Yes <u>No</u> Defendant Admits _____ State Proves _____ priors
Comp ✓	IT IS ORDERED: <u>Life without parole</u> Sentenced to _____ yrs./split to serve _____ yrs. _____ reverse split postpone _____ mo./year Review _____ Concurrent _____ Consecutive _____
	Suspended YES/NO Supervised/P.O./Court Probation _____ years End of Split Sentence _____ years supervised probation _____ DOC to give 60 day notice prior to E.O.S.
	ENHANCEMENTS \$1000/2000 Enhancement Fine _____ Remit portion completion of SAP _____ Driver License suspended/revoked 6 mo/_____ _____ \$100 DFS fee _____ \$100 Head Injury_____ _____ years School/_____ years Public Housing _____ years Sale under 18
	Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____ Work Release _____ Community Service _____ hrs. Trash Pickup _____ hr
	OTHER:
	Restitution <u>\$35,481.38</u> Co-Defendant(s) _____ Jointly and Severally liable Crime Victim \$25.00/ <u>\$50.00</u> Court Costs ✓ Attorney Fees <u>\$150.00</u> Fine \$ _____ Payment \$ _____ Mo/Week Begin _____ /03 or 1/2 monies earned _____
	Review/Other _____
	Defendant advised right to appeal yes <u>no</u> unless reserve issue or withdraw plea; Defendant to be given credit for time served. Appeal Bond set \$ _____
	 TRUMAN M. HOBBS, JR. CIRCUIT JUDGE

TRUMAN M. HOBBS,
CIRCUIT JUDGE

State of Alabama Unified Judicial System Form C-7 Rev 2/79	<h2 style="margin: 0;">CASE ACTION SUMMARY</h2> <h3 style="margin: 0;">CONTINUATION</h3>	Case Number <u>CC-03-464 TMH</u>
Style: <u>Delano Smith</u>		
Page Number _____ of _____ Pages		
DATE	ACTIONS, JUDGMENTS, CASE NOTES	
	<u>Count 4</u>	
<u>9-22-03</u>	Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.	
	HOA Enhancements Applicable Yes/No Defendant Admits _____ State Proves _____ priors	
	<u>IT IS ORDERED:</u>	
	Sentenced to <u>Life</u> yrs./split to serve _____ yrs. _____ reverse split postpone _____ mo./year Review _____	
<div style="font-size: 2em;">✓</div>	Concurrent _____ Consecutive _____	
	Suspended YES/NO Supervised/P.O./Court Probation _____ years End of Split Sentence _____ years supervised probation _____ DOC to give 60 day notice prior to E.O.S.	
	ENHANCEMENTS \$1000/2000 Enhancement Fine _____ Remit portion completion of SAP _____ Driver License suspended/revoked 6 mo/ _____ \$100 DFS fee _____ \$100 Head Injury _____ _____ years School/ _____ years Public Housing _____ years Sale under 18	
	Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____ Work Release _____ Community Service _____ hrs. Trash Pickup _____ hr	
	<u>OTHER:</u>	
	Restitution \$ _____ Co-Defendant(s) _____ Jointly and Severally liable Crime Victim \$25.00/ <u>\$50.00</u> Court Costs _____ Attorney Fees \$150.00/ _____ Fine \$ _____ Payment \$ _____ Mo/Week Begin _____ /03 or 1/2 monies earned _____	
	Review/Other _____	
	Defendant advised right to appeal yes/ <u>no</u> unless reserve issue or withdraw plea; Defendant to be given credit for time served. Appeal Bond set \$ _____	
	 TRUMAN M. HOBBS, JR. CIRCUIT JUDGE	

State of Alabama
Unified Judicial System

JURY VERDICT

Case Number
CC-03-464 TMH

Form C-50

Rev 6/88

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

Plaintiff: State of Alabama

v. Defendant: DELANO SMITH

X We, the Jury, find the Defendant GUILTY of Capital Murder
as charged in the indictment.

OR

_____ We, the Jury find the Defendant NOT GUILTY.

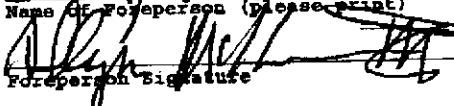
9-22-03

JUDGEMENT IS HEREBY ENTERED
IN ACCORDANCE WITH THE
VERDICT OF THE JURY.


Circuit Judge

Judy Shelton, O.C.R.

ALLAN MCKEEN III


Foreperson Signature

Date filed

9-22-03